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9  
10 UNITED STATES BANKRUPTCY COURT  
11 EASTERN DISTRICT OF WASHINGTON

12 In re:

13 KKE MOON I, INC., dba Tumbleweeds,

14 Debtor.

) Case No. 09-03145-FLK11

)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
)  
)

15 This matter having come before the above-entitled Court for confirmation, which  
16 confirmation was held by telephone conference on this 25<sup>th</sup> day of January 2010, and the  
17 Court having read the declaration of Eve Moon, Debtor's President, and having reviewed  
18 the Plan and having heard the arguments of counsel, makes the following

19 FINDINGS OF FACT

20 I.

21 The Debtor filed the above-captioned Chapter 11 proceeding on the 3<sup>rd</sup> day of June  
22 2009. Debtor filed its Motion for Order Granting Conditional Approval of Disclosure  
23 Statement and Notice Thereof on the December 1, 2009.

24  
25 FINDING OF FACT AND  
CONCLUSIONS OF LAW - 1

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II.

The above entitled Court conducted a hearing on the Motion for Order Granting Conditional Approval of Disclosure Statement on December 17, 2009. The Order Granting Motion for Order Granting Conditional Approval of Disclosure Statement and Setting Deadlines was entered on December 21, 2009.

III.

The Disclosure Statement and Plan were filed on December 21, 2009, Docket numbers 81 and 82. Pursuant to the Order Granting Motion, the Debtor transmitted the combined Disclosure Statement and Plan of Reorganization, Lists Classifying Claims and Interest and Ballot to all parties on the master mailing list on December 21, 2009. There have been no objections to the Disclosure Statement or Plan.

IV.

The Plan contains no unusual classifications of claims or interest. Similar claims are classified together and are treated equally within each class. The Plan provides for the same treatment for each claim or interest within a particular class.

V.

Debtor did not solicit acceptances or rejections of the Plan, except as authorized by the Order.

VI.

The Plan has been proposed in good faith and not by any means forbidden by law.

VII.

Debtors attorney, Hames, Anderson And Whitlow, and E. Kent Oswalt, CPA for debtor, will only be compensated subject to court approval after notice and hearing.

FINDING OF FACT AND  
CONCLUSIONS OF LAW - 2

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VII.

Debtor will continue operating its business under the Management of Eve Moon and Keith Moon, whose identity and compensation has been disclosed. The continuance in office of such individuals is consistent with the interests of creditors, equity security holders and public policy.

VII.

No objections to confirmation of the Plan were filed.

VIII.

Debtor and the United States of America, Internal Revenue Service, have agreed that Article III, Paragraph 3.3 of the Plan will be amended to add:

The debtor will file all post-petition federal tax returns as they become due, including making timely deposits of payroll taxes. All tax returns, certifications, and copies of federal tax deposit receipts will be provided to the local Spokane office.

IX.

All unsecured claims will be paid in full.

X.

The Declaration of Eve Moon and the Liquidation Analysis indicate creditors will receive a greater distribution under the Plan than would be received if the assets of the Debtor were liquidated by a chapter 7 trustee or by any other means.

XI.

Confirmation of the Plan is not likely to be followed by the need for further financial reorganization of Debtor.

FINDING OF FACT AND  
CONCLUSIONS OF LAW - 3

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1  
2 XII.

3 The Plan provides for payment of the administrative claims upon the date of  
4 confirmation or upon allowance by the Court.

5 XIII.

6 The Plan provides for payment of all US Trustee's fees, when due, through the  
7 closing of the case.

8 CONCLUSIONS OF LAW

9 I.

10 Debtor's Plan complies with the provisions of Chapter 11 and other applicable  
11 provisions of Title 28 USC.

12 II.

13 The holder of each secured claim has accepted the Plan or will receive full payment  
14 of its secured claim and will retain its lien until such payment has been made.

15 III.

16 .Provisions of the Plan at Article III, Paragraph 3.3, will be amended to add  
17 the following sentence:

18 The debtor will file all post-petition federal tax returns as they become  
19 due, including making timely deposits of payroll taxes. All tax returns,  
20 certifications, and copies of federal tax deposit receipts will be provided  
to the local Spokane office.

21 IV.

22 The Pan has been proposed in good faith and not by any means  
23 forbidden by law.

24  
25 FINDING OF FACT AND  
CONCLUSIONS OF LAW - 4

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V.

The Disclosure Statement should be approved and the Plan of Reorganization confirmed.

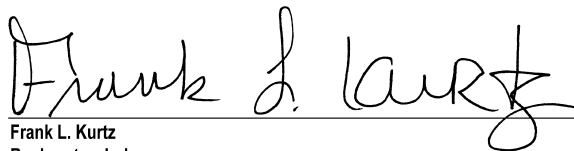
Presented by:

HAMES, ANDERSON & WHITLOW, PS

By



William L. Hames, WSBA #12193



Frank L. Kurtz  
Bankruptcy Judge

FINDING OF FACT AND  
CONCLUSIONS OF LAW - 5

02/01/2010 14:07:34 P.O. BOX 5498

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